EXHIBIT 1

DOCKET NO. 150
BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE PETROLEUM PRODUCTS ANTITRUST LITIGATION

Retail Clerks Union Local 648, et a., v. Exxon Corp., et al., N.D. California, C.A. No. C82-0480-TEH

TRANSFER ORDER*

The Panel, pursuant to 28 U.S.C. §1407, previously has centralized several actions in this litigation in the Central District of California and, with consent of that court, assigned them to the Honorable William P. Gray, *In re Petroleum Products Antitrust Litigation*, 419 F. Supp. 712 (J.P.M.L. 1976).[1] Presently before the Panel is a motion by certain defendants in the above-captioned action *(Retail Clerks)* to transfer the action under Section 1407 from the Northern District of California to the Central District of California. Plaintiffs in *Retail Clerks* and some parties in MDL-150 actions pending in the transferee district oppose transfer.

On the basis of the papers filed and the hearing held, the Panel finds that *Retail Clerks* involves common questions of fact with the actions in this litigation previously centralized in the Central District of California, and that transfer of *Retail Clerks* for inclusion in the coordinated or consolidated pretrial proceedings occurring in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of litigation.

No party disputes that *Retail Clerks* and the actions in the transferee

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* Judges Andrew A. Caffrey, Fred Daugherty and Sam C. Pointer, Jr., took no part in the decision of this matter. Although Judge Charles R. Weiner was not present at the hearing, he has, with the consent of the parties, participated in this decision.

[1] In two earlier decisions, the Panel had centralized some of the actions in this litigation in the District of Connecticut. *In re Petroleum Products Antitrust Ligitation*, 393 F. Supp. 1091 (J.P.M.L. 1975); 407 F. Supp. 249 (J.P.M.L. 1976). The Panel subsequently decided to retransfer this litigation to the Central District of California. *In re Petroleum Products Antitrust Litigation, supra*, 419 F. Supp. 712.

district share questions concerning a conspiracy to fix, raise, maintain and stabilize the prices of refined petroleum products. Opponents to transfer raise two primary objections: 1) that because the actions in the transferee district are at an advanced stage, transfer of *Retail Clerks* would hamper the efficient resolution of the actions already pending in the transferee district; and 2) that because a motion to remand *Retail Clerks* has been filed in the Northern District of California, transfer should not be effected before that motion is decided. We find neither objection persuasive. Discovery is still ongoing in the actions in the transferee district and transfer of *Retail Clerks* will make it possible for discovery previously completed in the transferee district to be made available to the *Retail Clerks* parties, thereby preventing unnecessary duplication and inconvenience. *See, e.g., Manual for Complex Litigation*, Parts I and II, §§3.11 (rev. ed. 1981). Transfer need not delay resolution of the actions already pending in the transferee district, for the discovery on any issues unique to *Retail Clerks* may be scheduled by the transferee judge to proceed independently from the undertaking of any common pretrial matters. *See In re Republic National-Realty Equities Securities Litigation*, 382 F. Supp. 1403, 1405-6 (J.P.M.L. 197)). Finally, we note that the transferee judge has the power to determine the question of remand. *See In re Air Crash Disaster at Florida Everglades on December 29, 1972*, 368 F. Supp. 812, 813 (J.P.M.L. 1973).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. §1407, the action entitled *Retail Clerks Union Local 648, et al. v. Exxon Corp., et al.*, N.D. California, C.A. No. C82-0480-TEH, be, and the same hereby is, transferred to the Central District of California and, with the consent of that court, assigned to the Honorable William P. Gray for inclusion in the coordinated or consolidated pretrial proceedings occurring there.

FOR THE PANEL

/s/ Roy W. Harper

Roy W. Harper
Acting Chairman

EXHIBIT 2

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RETAIL CLERKS UNION LOCAL 648; RETAIL CLERKS UNION LOCAL 870, AFL-CIO; and U.F.C.W. LOCAL 1288, Petitioners, vs. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION, Respondent, and EXXON CORPORATION; STANDARD OIL COMPANY OF CALIFORNIA; CHEVRON USA, INC.; ATLANTIC RICHFIELD COMPANY; SHELL OIL COMPANY; TEXACO, INC.; GULF OIL COMPANY; MOBIL CORP.; CONOCO, INC.; UNION OIL COMPANY OF CALIFORNIA; and DOES I through XXX, Real Parties in Interest.	No. 82-7311 DC# 82-0480 TEH Northern California ORDER

Before: FARRIS AND POOLE, Circuit Judges

The petition for writ of mandamus filed May 28, 1982, is denied. Extraordinary mandamus relief is not required in light of the alternative remedies available to petitioners.

With respect to the "Supplement and Comment re Petition for Writ of Mandamus" submitted by real parties in interest on June 15, 1982, counsel are directed to the provisions of Fed. R, App. P. 21(b). No document amounting to an answer to a mandamus petition should be submitted in the absence of a request by the court.

No. .....

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

RETAIL CLERKS UNION LOCAL 648,
RETAIL CLERKS UNION LOCAL 870, AFL-CIO
and
U.F.C.W. LOCAL 1228

Petitioners,

vs.

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
and
EXXON CORPORATION, STANDARD OIL COMPANY OF CALIFORNIA,
CHEVRON USA, INC., ATLANTIC RICHFIELD COMPANY,
SHELL OIL COMPANY, TEXACO, INC., GULF OIL COMPANY,
MOBIL CORPORATION, MOBIL OIL CORPORATION, CONOCO, INC.,
and UNION OIL COMPANY OF CALIFORNIA,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE NINTH CIRCUIT

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 1981, three copies of the Petition for a Writ of Certiorari were mailed, with first-class postage prepaid, to the following parties and counsel of record as shown on the attached list.

I further certify that all parties required to be served have been served.

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